

Hearing Date: March 11, 2010 at 2:00 p.m. (Prevailing Eastern Time)  
Objection Deadline: March 8, 2010 at 10:00 a.m. (Prevailing Eastern Time)

JENNER & BLOCK LLP  
353 North Clark Street  
Chicago, Illinois 60654-3456  
Telephone: (312) 222-9350  
Facsimile: (312) 527-0484  
Robert L. Byman (Admitted *Pro Hac Vice*)  
Daniel R. Murray (Admitted *Pro Hac Vice*)

919 Third Avenue, 37th Floor  
New York, New York 10022-3908  
Telephone: (212) 891-1600  
Facsimile: (212) 891-1699  
Patrick J. Trostle  
Heather D. McArn

Attorneys for Anton R. Valukas, Esq., Examiner

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re	:	Chapter 11
	:	
LEHMAN BROTHERS HOLDINGS INC., <i>et al.</i> ,	:	Case No. 08-13555 (JMP)
	:	
Debtors.	:	(Jointly Administered)
-----X	:	

**EXAMINER'S MOTION TO CLARIFY ORDERS**

TO THE HONORABLE JAMES M. PECK,  
UNITED STATES BANKRUPTCY JUDGE:

Anton R. Valukas, Esq., the examiner (the "Examiner") appointed for Lehman Brothers Holdings Inc. ("LBHI") and its affiliated debtors (collectively, the "Debtors") in the above-captioned bankruptcy cases, respectfully moves for entry of an order clarifying a possible ambiguity in the interplay between this Court's Order dated January 16, 2009 appointing the Examiner (the "Examiner Order") and this Court's Order dated February 8, 2010 permitting the

Examiner to file his Report temporarily under seal (the “Seal Order”). In support of his Motion, the Examiner states:

1. The Examiner Order provides, *inter alia*, that the Examiner “shall cooperate fully with any governmental agencies (such cooperation shall not be deemed a public disclosure as referenced above) . . . and the Examiner shall use best efforts to coordinate with such agencies to avoid unnecessary interference with, or duplication of, any investigations conducted by such agencies.”

2. The Seal Order permitted the Examiner to initially file his Report under seal so that concerns about confidentiality and privilege could be addressed prior to release of the Report to the public. The Seal Order provides, *inter alia*, that “The Report shall remain under seal and confidential and shall not be made available to any person or entity until further order of this Court.” The Court retained jurisdiction to hear and determine all matters arising from the implementation of the Seal Order.

3. In seeking the Seal Order, the Examiner did not intend to abrogate the ongoing obligation imposed by the Examiner Order to cooperate with governmental agencies.

#### **RELIEF REQUESTED**

4. By this Motion, the Examiner respectfully requests that the Court enter an order clarifying that the Seal Order does not alter the requirement of the Examiner Order that he cooperate with government agencies.

5. No previous request for the relief sought herein has been made to this or any other court.

**WHEREFORE,** the Examiner respectfully requests that this Court enter an Order clarifying that the Seal Order does not alter the requirement of the Examiner Order that he cooperate with government agencies.

Dated: March 1, 2010  
New York, New York

Respectfully submitted,

By: /s/ *Robert L. Byman*

JENNER & BLOCK LLP  
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Chicago, Illinois 60654-3456  
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